

OKLAHOMA WORKERS' COMPENSATION COMMISSION
REGULAR MEETING MINUTES
MARCH 24, 2022, 1:30 P.M.

STATEMENT OF OKLAHOMA OPEN MEETING ACT COMPLIANCE

Notice of this Regular Business Meeting was filed with the Secretary of State's office on Monday, November 29, 2021, at 9:13 a.m. in compliance with the Open Meeting Act.

The agenda was posted at least 24 hours in advance of the meeting, in compliance with the Open Meeting Act. It was posted on the Commission website and at 1915 N. Stiles Ave., Oklahoma City, Oklahoma, the Commission's principal office.

MINUTES OF THE MARCH 24, 2022, REGULAR BUSINESS MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION COMMISSION

The members of the Oklahoma Workers' Compensation Commission met at 1915 N. Stiles Ave., 1st floor, Oklahoma City, Oklahoma, on March 24, 2022.

Members present: Chairman Jordan Russell, Commissioner Megan Tilly, and Commissioner Scott Biggs.

Others Present: Alexander Watkins, WCC; Lauren Hammonds Johnson, WCC; Andrea Delling, WCC; James Lawson, WCC; and Collin Fowler, WCC; Ian Steedman, WCC; Kevin Blaylock, Oklahoma Spine Hospital; Pam Dunlap, OK Society of Anesthesiologists; Cindy Sims, Metropolitan Health Care Self Insured Group; and Chris O'Donnell, FAIR Health.

Chairman Russell expressed appreciation for those in attendance. After the roll was taken, Chairman Russell found a quorum present and called the meeting to order at 1:30 p.m.

1. Discussion and Possible Action to Approve Minutes

- a. The drafted minutes of the January 13, 2022, Special Meeting of the Commission will be considered for approval.

Motion: Commissioner Biggs moved to approve the drafted minutes of January 13, 2022, Special Meeting of the Commission.

Second: Commissioner Tilly

Those voting aye: Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

The motion carried.

- b. The drafted minutes of the January 27, 2022, Regular Meeting of the Commission will be considered for approval.

Motion: Commissioner Biggs moved to approve the drafted minutes of January 27, 2022, Regular Meeting of the Commission.

Second: Chairman Russell

Those voting aye: Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

The motion carried.

- c. The drafted minutes of the February 10, 2022, Public Hearing of the Commission will be considered for approval.

Motion: Commissioner Biggs moved to approve the drafted minutes of the February 10, 2022, Public Hearing of the Commission.

Second: Chairman Russell

Those voting aye: Chairman Russell and Commissioner Biggs.

Abstain: Commissioner Tilly

The motion carried.

2. Discussion and Possible Action of Consent Agenda to Approve Travel Vouchers Currently Outstanding

Title 85A O.S. § 23 states, [a]ny Commissioner or employee of the Commission shall be entitled to receive his or her necessary traveling expenses as provided in the State Travel Reimbursement Act. The expenses shall be certified by the person who incurred them and shall be allowed and paid on presentation of vouchers approved by the Commission.” In accordance with this section, the Commission will consider a vote to approve the currently outstanding vouchers.

All travel vouchers listed within this Consent Agenda have been made available to each Commissioner prior to today’s meeting, are considered routine, and will be enacted by one motion of the Commission. If separate discussion is desired, that item may be removed from the Consent Agenda and voted upon separately.

Motion: Commissioner Tilly moved to approve the travel vouchers.

Second: Commissioner Biggs

Those voting aye: Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

The motion carried.

3. Discussion and Possible Action to Approve WCC Internal Purchasing Procedures

Pursuant to 74 O.S. § 85.39 and OAC 260:115-5-7, the Commission is required to submit internal purchasing procedures to OMES every two years. The Commission considered a vote to approve the document for submission to OMES.

Lauren Hammonds Johnson was recognized, presented, and answered questions of the Commission.

Motion: Commissioner Biggs moved to approve the document as circulated.

Second: Commissioner Tilly

Those voting aye: Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

The motion carried.

4. Discussion and Approval of Workers' Compensation Commission's Copier Charge Form and Setting the Effective Date

Title 85A O.S. § 22(A)(2)(a) provides: “[t]he Commission shall vote on any substantive change to any form and the effective date of such substantive change.”

Collin Fowler was recognized, presented, and answered question of the Commission.

Motion: Commissioner Tilly moved to approve the form as modified and set the effective date for April 1, 2022.

Second: Commissioner Biggs

Those voting aye: Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

The motion carried.

5. Discussion and Possible Action to Reduce Security Deposit for Halliburton Company, Own Risk Permit #07363

Halliburton (“the Company”), own risk permit #07363, was a self-insured employer in the Own Risk program until June 25, 2012. They petitioned the Commission to reduce the Company’s security deposit on file. The Commission held a \$1,500,000 Surety Bond, issued

by United States Fire Insurance Company as security deposit. They requested a reduction of their security deposit to \$150,000. The company currently has two outstanding claims totaling \$59,595.06.

The Company complied with Commission Rule 810:25-9-19.

James Lawson was recognized, presented, and answered questions of the Commission.

Motion: Commissioner Biggs moved to accept the recommendation of Director Lawson for Halliburton Company, to reduce the security deposit for the Company to \$150,000.

Second: Commissioner Tilly

Those voting aye: Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

The motion carried.

6. Discussion and Possible Action to Approve the Partial Distribution of Surplus Monies to Members of the Metropolitan Health Care Self Insured Group (#75220)

Rule 810:25-11-10 of the Workers' Compensation Commission provides that any distributions of surplus funds back to the members of a group self-insurance association shall be subject to the prior approval of the Commission.

The Metropolitan Health Care Self Insured Group ("the Group") requested to make a partial distribution in the amount of \$1,000,000. The distribution is payable from the following seven fiscal fund years ending on September 30th: FY 13 (\$409,129), FY 14 (\$84,410), FY 15 (\$84,410), FY 16 (\$84,410), FY 17 (\$84,410), FY 18 (\$84,410), FY 19 (\$84,410), FY 20 (\$84,411).

The Group submitted the most recent audited financial statements and actuarial review of reserves, both as of September 30, 2021, as part of their request.

Motion: Commissioner Tilly moved to approve partial distribution in the amount of \$1,000,000.

Second: Commissioner Biggs

Those voting aye: Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

The motion carried.

7. Discussion and Possible Action to Reduce Security Deposit for Kaiser-Francis Oil Company, Former Own Risk Permit #14631

Kaiser-Francis Oil Company (“the Company”), has a self-insured permit with the Commission. The Company petitioned the Commission to reduce the Company’s security deposit on file. The Commission held a \$500,000 Letter of Credit, issued by BOK Financial as security deposit. They requested a reduction of their security deposit to \$150,000.

The Company complied with Commission Rule 810:25-9-19.

James Lawson was recognized, presented, and answered questions of the Commission.

Motion: Commissioner Biggs moved to accept the recommendation of Director Lawson for Kaiser-Francis Oil Company, to reduce the security deposit for the Company to \$150,000.

Second: Commissioner Tilly

Those voting aye: Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

The motion carried.

8. Discussion and Possible Action to Fully Release Security Deposit for Cactus Drilling Co., Former Own Risk Permit #19141

Cactus Drilling Co. (“the Company”), former own risk permit #19141, was a self-insured employer in the Own Risk program until August 15, 2002. The Company petitioned the Commission to reduce the Company’s security deposit on file. The Commission held a \$200,000 Letter of Credit, issued by BOK Financial as security deposit. They requested a full release of their security deposit.

James Lawson was recognized, presented, and answered questions of the Commission.

Motion: Commissioner Tilly moved to fully release the security deposit of Cactus Drilling Company.

Second: Commissioner Biggs

Those voting aye: Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

The motion carried.

9. Discussion and Possible Action to Terminate the Existing 20i Contract Between the Commission and the Office of the Oklahoma Attorney General for Compliance Division Services

Lauren Hammonds Johnson was recognized, presented, and answered questions of the Commission.

Motion: Commissioner Tilly moved to terminate the existing 20i contract between the Commission and the Office of the Oklahoma Attorney General for Compliance Division Services.

Second: Commissioner Biggs

Those voting aye: Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

The motion carried.

10. Discussion and Possible Action on Proposed Amended Medical Fee Schedule

Title 85A O.S. § 50(H)(1) states the Commission shall conduct a review of the Fee Schedule every two (2) years. The Commission contracted with an external consultant to develop a report on the current Fee Schedule and a proposed amended Fee Schedule for the Commission's consideration. The Commission discussed the draft proposed Fee Schedule and vote on whether to submit it to the Legislature.

Motion: Commissioner Tilly moved to approve the working draft of the Medical Fee Schedule submitted on March 17, 2022.

Second: Commissioner Biggs

Those voting aye: Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

The motion carried.

Motion: Chairman Russell moved to amend the working draft of March 17, 2022, to strike the reference on page 31 and 32 to a conversion factor of \$53.10 to be replaced with a conversion factor of \$54.00.

Second: Commissioner Tilly

Those voting aye: Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

The motion carried.

Motion: Commissioner Biggs moved to make the following changes to the working draft of the Medical Fee Schedule: On page 41, strike paragraph 6 in its entirety and renumber all subsequent paragraphs, and set the surgery codes at a 5% increase as listed in the handout.

Second: Commissioner Tilly

Those voting aye: Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

The motion carried.

Motion: Chairman Russell moved to adopt the working draft of the Medical Fee Schedule as amended.

Second: Commissioner Biggs

Those voting aye: Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

The motion carried.

11. Discussion and Possible Action to Adopt Proposed Draft Administrative Rules

The Commission proposed changes to its current permanent administrative rules, available online at <http://www.ok.gov/wcc/Legal/GoverningDocuments/index.html>. The Commission's Notices of Rulemaking Intent were published in the Oklahoma Register on February 15, 2022, and a comment period in excess of thirty days was provided from February 15 to March 24, 2022. Comments were solicited via regular mail, email, and at a public hearing.

Agenda item approved in previous business meeting.

12. Legislative Update and Discussion

Commissioner Biggs presented and answered questions of the Commission.

No action was taken on this agenda item.

13. Discussion and Update on CaseOK Project

Ian Steedman was recognized, presented, and answered questions of the Commission.

No action was taken on this agenda item.

14. Update on Denver N. Davison Building Remodel

Chairman Russell presented and answered questions of the Commission.

No action was taken on this agenda item.

15. New Business

There was no new business.

ADJOURNMENT.....Chairman Jordan Russell

Motion: Commissioner Biggs moved to adjourn.

Second: Commissioner Tilly

Those voting aye: Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

The motion carried.

The meeting adjourned at 2:10 p.m.